

AUTHORIZING THE SECRETARY OF THE ARMY TO CONVEY THE  
SAND, GRAVEL, AND CLAY DEPOSITS IN AND ON A CERTAIN  
TRACT OR PARCEL OF LAND IN RUSSELL COUNTY, ALA., TO  
W. T. HEARD

JUNE 25, 1952.—Committed to the Committee of the Whole House and ordered  
to be printed

Mr. Brooks, from the Committee on Armed Services, submitted the  
following

REPORT

[To accompany S. 2582]

The Committee on Armed Services, to whom was referred the bill (S. 2582) to authorize and direct the Secretary of the Army to convey the sand, gravel, and clay deposits in and on a certain tract or parcel of land in Russell County, Ala., to W. T. Heard, having considered the same, report favorably thereon without amendment and recommend that the bill S. 2582 do pass.

PURPOSE OF THE BILL

The purpose of the bill is to make available to the brick manufacturers of Columbus, Muscogee County, Ga., deposits of plastic clay essential to the fabrication of brick products that meet established specifications. The companies affected by the bill furnish brick and clay products to a sizable portion of western Georgia and will be required to cease operations within the foreseeable future unless plastic clay deposits are made available.

EXPLANATION OF THE BILL

The brick industry in Columbus, Muscogee County, Ga., is confronted by the probability of having to discontinue operations owing to a shortage of plastic clay needed for mixing in the proportion of 40 percent with inferior material to produce brick that meets existing specifications. Explorations have been made for available deposits within a range of the plants that would not make transportation costs prohibitive. The only significant clay deposits of the type required within a distance of 100 miles are on land that is a part of the Fort

Benning Military Reservation. The brick plants employ approximately 300 persons, whose loss of employment would have a considerable impact on the economy of the area concerned. In addition, the closing of the brick plants would result in increased costs to the Government for brick products acquired in connection with construction at Fort Benning.

The land conveyed is a portion of a tract of 690 acres acquired by the Government from W. T. Heard in 1941 through a declaration of taking. Mr. Heard entered into a stipulation to accept \$16,000 for the entire tract of 690 acres, of which only 183.71 acres are the subject of this bill. Mr. Heard has agreed to transfer title to the land, without profit, to the brick manufacturers of Columbus on a nondiscriminatory basis.

A previous bill to authorize reconveyance of the 690 acres met with an unfavorable report from the Army. Conferences with the then commanding general at Fort Benning developed that he would be willing to approve the disposal of clay deposits on the tract under conditions that would not interfere with the full use of Lawson Air Force Base at Fort Benning of the full employment of the land in event of full mobilization. Agreement was reached that local officials at Fort Benning would have no objection to a bill that conveyed merely the clay deposits, provided the removal of the clay was accomplished in a manner that would not interfere with military operations. Nevertheless, the Department of the Army did officially object to the second bill, which failed of enactment. A third attempt was made in cooperation with local officials to restrict the area on which clay deposits would be conveyed, and the instant bill resulted.

When the House Committee on Armed Services considered House Joint Resolution 65, a similar bill, the committee considered the objections which were raised by the Department of the Army and the Department of the Air Force. The committee was then advised that the land in question was a part of the Fort Benning Military Reservation and was required for military purposes. Subsequent investigations revealed that the land has not been used by the Army in conjunction with the mission of Fort Benning; and the committee therefore rejects the position of the Army with reference thereto.

The Air Force objected on the basis that the recovery of clay from the land in question would possibly interfere with the flight zone to and from Lawson Air Force Base. It is to be noted that this bill reserves, without cost to the Government, an aviation easement which will insure that no structures which can interfere with the aerial approach to Lawson Air Force Base can be constructed or maintained.

Subsequent to the hearings by the House committee, the Senate Armed Services Committee conducted an investigation which fully confirmed the foregoing observations, and in its report the Senate committee points out:

In its deliberations on this bill the committee has taken notice of the cheerful willingness of citizens to give up their land when it apparently was needed in the interest of national defense, and of frequent instances of reluctance on the part of Government departments to relinquish control when there is no longer reasonable evidence of necessity for its retention.

The principal provisions of the bill are:

(1) The Secretary of the Army is authorized and directed to convey approximately 180 acres in fee simple title to W. T. Heard, who has

agreed to transfer the clay deposits on the land in question, without profit and on a nondiscriminatory basis, to the brick manufacturers in that area, clay deposits for the brick and tile industry in that area being almost depleted.

(2) Recapture and reentry rights, in the event of a national emergency, are reserved by the Government without cost or remuneration of any type.

(3) An avigation easement, without cost to the Government, is reserved to the Government, thereby protecting the Air Force interest in the approach zone in which this land partially lies.

(4) The fair-market value of the land is to be determined by the Secretary of the Army, and any sums realized from the sale of the land are to be deposited in the Treasury of the United States as miscellaneous receipts.

The letter from the Department of the Army in opposition to the enactment of S. 2582, which objections are hereinbefore enumerated and answered by the committee, is hereto attached and made a part of the report. The Department of the Army has reported that it is amending its opposition report as a result of findings by the Senate subcommittee investigation heretofore mentioned.

DEPARTMENT OF THE ARMY,  
Washington, D. C., March 21, 1952.

HON. RICHARD B. RUSSELL,  
Chairman, Committee on Armed Services,  
United States Senate.

DEAR SENATOR RUSSELL: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to S. 2582, Eighty-second Congress, a bill to authorize and direct the Secretary of the Army to convey the sand, gravel, and clay deposits in and on a certain tract or parcel of land in Russell County, Ala., to W. T. Heard. The Secretary of Defense has delegated to the Department of the Army the responsibility for expressing the views of the Department of Defense thereon.

The Department of the Army on behalf of the Department of Defense is opposed to the above-mentioned bill.

The purpose of this bill is to direct the Secretary of the Army to convey to W. T. Heard, his heirs and assigns, for a consideration to be determined, all the title of the United States to the sand, gravel, and clay deposits in approximately 141.21 acres of land comprising a portion of a larger tract of land in Russell County, Ala., which the Government acquired from W. T. Heard for use in connection with the Fort Benning Military Reservation. During World War II the Heard tract was used as a part of the maneuver training site for troops at Fort Benning and to provide an adequate area for the construction of the railroad siding used for out-loading troops from the Alabama airborne area. No portion of the W. T. Heard tract is excess to the requirements of the Department of Defense, now or at any foreseeable date in the future. In view of the expanding requirements for all training facilities at Fort Benning, this tract is considered a necessary adjunct thereto. The site is being used at the present time for the operation of a rifle company problem in connection with the Fort Benning Infantry Training School. Plans for expansion of activities of the nearby airborne school will involve the utilization of this tract of land when not required for infantry school activities. Therefore, the disposition of this tract of land or its disturbance in the manner contemplated in the bill would probably give rise to the necessity for the acquisition of other land to accommodate the expanding activities at Fort Benning. Furthermore, use of the land in the manner contemplated will adversely affect the utilization of other Government-owned lands. While the 141.21 acres involved are not immediately within the glide angle or approach zone of the northwest-southeast runway of Lawson Air Force Base, the operation of ground control approach to the runway when low visibility precludes a clear flight pattern makes any industrial use of this area undesirable. In addition, the removal of sand, gravel, and clay deposits would make the area involved unusable for any other purpose, and would create isolated pools of stagnant water with the result that a sizable breeding ground for mosquitoes would be established.

#### 4 CONVEY SAND, GRAVEL, AND CLAY DEPOSITS TO W. T. HEARD

It is noteworthy that regulations issued by the General Services Administrator in implementation of the Federal Property and Administrative Services Act of 1949 provide for the disposition of excess sand, gravel, and clay deposits under a competitive bidding procedure. It is considered that even if the sand, gravel, and clay deposits on the Heard tract were available for sale, such disposition should be made in accordance with existing law and regulations. It is to be further noted that the materials involved in this measure are neither critical, strategic, nor in short supply and can be found in abundance throughout the State of Alabama.

It is recommended that this measure not be enacted into law.

Enactment of this measure into law will not involve the expenditure of any Department of Defense funds.

An identical report on H. R. 6057, Eighty-second Congress, a similar bill, has been coordinated among the departments and boards in the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget has advised that there was no objection to the submission of an identical report on H. R. 6057.

Sincerely yours,

FRANK PACE, Jr.,  
*Secretary of the Army.*